

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMAS HSU,

Plaintiff,

-against-

AMERICAN MEDICAL
COLLECTION AGENCY,

Defendant.

'10 CIV 02849

JUDGE KARAS

VERIFIED COMPLAINT and DEMAND
FOR JURY TRIAL

FILED
U.S. DISTRICT COURT
2010 APR - 1 10:53
S.D. OF N.Y. W.P.

NOW COMES Plaintiff, Thomas Hsu ("Plaintiff"), by and through his attorneys, Krohn & Moss, Ltd., for his Verified Complaint against Defendant, American Medical Collection Agency. ("Defendant"), alleges as follows:

NATURE OF THE ACTION

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

PARTIES

2. Plaintiff is a natural person residing in Baltimore, Maryland.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a national company having its principal place of business located in Elmsford, Westchester County, New York.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

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6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

JURISDICTION AND VENUE

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant conducts business and is located in the state of New York, personal jurisdiction is established

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

10. Declaratory relief is available pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 - 2202.

FACTUAL ALLIGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.

12. Defendant contacts Plaintiff from telephone number (800) 804-0057 seeking payment of an alleged debt.

13. Plaintiff does not owe the debt that Defendant is seeking to collect by continuously contacting him as the debt belongs to the person that Plaintiff shared his place of residence with and whom is now deceased.

14. Defendant continues to place multiple calls to Plaintiff asking for his deceased neighbor despite Plaintiff repeatedly informing Defendant that his neighbor is deceased and to please stop calling.

CLAIM FOR RELIEF

15. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt;
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff;
- c. Defendant violated §1692e(2)(A) of the FDCPA by falsely representing the character, amount, and legal status of Plaintiff's debt because Plaintiff does not owe the money Defendant is attempting to collect;
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt because Plaintiff does not owe the money Defendant is attempting to collect; and
- e. Defendant violated §1692f(1) of the FDCPA by attempting to collect an amount that is not authorized by the agreement or permitted by law because Plaintiff does not owe the money Defendant is attempting to collect.

16. Plaintiff is entitled to his attorney's fees and costs incurred in this action.

17. This case presents an actual and justiciable controversy within the meaning of the Declaratory Judgment Act, 28 U.S.C. §§ 2201 - 2202.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq*;
- (2) Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k
- (3) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (4) Awarding such other and further relief as may be just, proper and equitable.

Dated: March 25, 2010

KROHN & MOSS, LTD.

By: 

Adam T. Hill
KROHN & MOSS, LTD.
120 W. Madison St.; 10th Fl.
Chicago, Illinois 60602
Telephone: 312-578-9428 x203
Fax: 866-289-0898
ahill@consumerlawcenter.com
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, Thomas Hsu hereby demands a jury trial in this matter.

VERIFICATION

(STATE OF MARYLAND)

:SS.:

COUNTY OF BALTIMORE)

Plaintiff, THOMAS HSU, being duly sworn, deposes and says:

1. I am the Plaintiff in this civil proceeding;
2. I have read the foregoing Verified Complaint prepared by my attorneys and I believe that all of the facts contained therein are true and correct, to the best of my knowledge, and formed after reasonable inquiry;
3. I believe that this civil Complaint is well ground in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law;
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it;
6. Each and every exhibit I have provided to my attorneys, which has/have been attached to this Complaint, is/are true and correct copy(s) of the original(s); and
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated the exhibit(s), except that some of the attached may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, THOMAS HSU, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated:

3/23/10



THOMAS HSU